

WPA 27836 of 2024

**Rais Alam
Vs.
The State of West Bengal & Ors.**

**Mr. Sattwik Bhattacharyya,
Mr. Aashutosh Bhattacharyya,
Mr. Aritra Roy,
Mr. Titas Niyogi.**

... for the petitioner

Ms. Aishwarya Rajyashree.

... for the respondent no. 4

**Mr. Pantu Deb Roy, ld. A.G.P.,
Mr. Subrata Guha Biswas.**

... for the State

1. The writ petitioner is aggrieved that so far as his prayer for modification of the original route before the respondent State Transport Authority at Jharkhand is concerned, regarding which the State Transport Authority, Jharkhand has sought for comments and opinion of the reciprocating State, that is, the State Transport Authority, West Bengal, vide its letter dated January 4, 2024, no such opinion or comment has since been forwarded by the STA, West Bengal, in reply to the said letter.
2. As such, according to the petitioner, his vehicle is lying idle and the petitioner is being suffering with huge financial loss.
3. It appears from record that the petitioner is an operator over the route from Tata to Burdwan via Ghatshila, Chakulia, Jhilimili, Bankura, Sonamukhi-B47.

4. He was granted permit on September 20, 2023, along with the timetable to be in operation for two months' period. The timetable did not mention the arrival and departure time at the stop of Jhilimili. The said permit and timetable dated September 20, 2023 and November 2, 2023 respectively, were counter-signed by the reciprocating STA, West Bengal on November 23, 2023.
5. Later on, the timetable of the petitioner was extended till the validity of the permit, by the STA, Jharkhand, by dint of a letter dated December 8, 2023.
6. Apparently, as before, there has not been any mention of the arrival and departure at the stop Jhilimili, in the corresponding timetable dated December 8, 2023.
7. In the meantime, the petitioner has proposed for modification of the route alignment by deleting the stop "Jhilimili" in the said timetable and by incorporating the other two stops namely, "Silda" and "Raipur", in place of "Jhilimili".
8. To that effect, the petitioner has made a representation before the respondent STA, Jharkhand on December 7, 2023.
9. He has also submitted the proposed timetable, along with his application, as above. Regarding his application as above, the STA, Jharkhand has sought for comments and opinion of the reciprocating State, that is, STA, West Bengal vide the said letter dated January 4, 2024, in terms of Clause 2(h) of the Reciprocal Transport Agreement, entered into between two States on March 29, 2004.

- 10.** Mr. Bhattacharyya, learned counsel appearing for the petitioner would submit that in accordance with the Reciprocal Transport Agreement, the STA, West Bengal would be duty bound to send its comments and opinion as regards the proposed modification of the route by inclusion of additional stops in place of one of the existing stop. Thus, he says that the petitioner is aggrieved due to the inaction of the STA, West Bengal by not relying to the letter of STA, Jharkhand dated January 4, 2024. For the reason of such alleged inaction of the STA, West Bengal, no steps can be taken by the STA, Jharkhand, to seek counter-signature of STA, West Bengal as regards the modified permit or timetable of the petitioner.
- 11.** In this regard, there are letters and demand justice notices being submitted before the STA, West Bengal by the petitioner and his learned lawyer.
- 12.** Mr. Bhattacharyya, has further submitted that the discrepancy as regards the distance of the route as enumerated by the petitioner in his letter dated August 14, 2024 is to be reconciled, in terms of Clause 2(c) of the said Reciprocal Transport Agreement.
- 13.** He has further stated that the similar prayer for modification of the route alignment, of the other operators has already been allowed by the respondent STA, West Bengal.
- 14.** Mr. Subrata Guha Biswas, learned counsel appears on behalf of the State and submits that the said authority has already expressed his opinion vide letter dated September 23, 2024.

- 15.** So far as the allegations of the petitioner regarding the alleged inaction of the said respondent, the same has been denied.
- 16.** Heard the submissions and perused the documents. It appears that the petitioner having been operating on the route from Tata to Burdwan via Ghatshila, Chakulia, Jhilimili, Bankura, Shonamukhi - B47, was initially granted the timetable wherein the time for arrival and departure at the stop "Jhilimili" was not mentioned.
- 17.** The same was operative for two months after due counter-signature by the reciprocating State, that is, the STA, West Bengal.
- 18.** Later on, on the self-same timetable as extended by the STA, Jharkhand, till the validity period of the permit, the said respondent authority/STA, West Bengal has declined to counter-sign and in the meantime, the petitioner has also put forth his prayer for change of route alignment by incorporating two new stops namely, "Silda" and "Raipur" and deleting one, that is, "Jhilimili".
- 19.** As to the said prayer of the petitioner, the STA, Jharkhand has sought for comment and opinion of the reciprocating State vide letter dated January 4, 2024, which is yet to be granted by the reciprocating State, that is, STA, West Bengal to STA, Jharkhand.
- 20.** It appears that as per Clause 8F of the Reciprocal Transport Agreement, it has been provided that any change or correction in any clause of the agreement or any addition or deletion of route(s) or any correction/change in the alignment of route(s) shown

in the Reciprocal Transport Agreement may be done by mutual consent after discussion.

- 21.** Therefore, it is required in terms of the said agreement that the STA, West Bengal duly replies to the proposal of the STA, Jharkhand vide its letter dated January 4, 2024.
- 22.** It is also pertinent to note that there are several representations including the demand justice notices, lying pending with the STA, West Bengal by dint of which the petitioner has raised his grievance as regards the discrepancy in the length and distance of the route.
- 23.** Considering all as above, the Court finds it proper to dispose of the present writ petition by directing the respondent no. 3/Secretary, STA, West Bengal to consider the representation of the petitioner dated August 14, 2024, August 20, 2024 and November 12, 2024 and decide thereupon, by dint of a reasoned order.
- 24.** The said respondent no. 3 is also directed to immediately sent reply as to the letter of STA, Jharkhand dated January 4, 2024 expressing its comment and opinion as sought for.
- 25.** The entire exercise a above should be concluded by the respondent no. 3 within a period of six weeks from the date of communication of copy of this order.
- 26.** It is made clear that till that time the directions passed in this case vide order dated December 24, 2024 shall operate as it is.

- 27.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 28.** With the above observations and directions, the writ petition being WPA 27836 of 2024 is disposed of, along with the pending applications, if any.
- 29.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)